

LOCAL RULE COVERSHEET

This coversheet must be attached or included with all local rule submissions to the Division of State Court Administration.

County: Vanderburgh

Courts Included: All Superior Courts and Circuit Court

Contact Name / Phone Number: Kelly Ward 435-5433

Are the attached rules:

☐

Previously enacted with no changes and submitted solely for posting to the Internet;

X

Newly revised or redrafted and submitted for posting to the Internet and comment:

☐

A mixture of prior rules and new revisions.

Do any of the rules contained in this packet:

☐

Make changes to local rules pursuant to Crim. R. 2.2

☐

Make changes to local rules pursuant to Trial R. 79

☐

Make changes to local rules with respect to caseload allocation and Weighted Caseload

☐

Makes changes to local rules for court reporters pursuant to Admin.R.

VANDEBURGH SUPERIOR COURT

Courts Building
Civic Center Complex
825 Sycamore Street
Evansville, IN 47708

SCOTT R. BOWERS, Judge
Room 120

J. DOUGLAS KNIGHT, Judge
Room 118

MARY MARGARET LLOYD, Judge
Room 218

BRETT J. NIEMEIER, Judge
Room 129 Admin Bldg

WAYNE S. TROCKMAN, Judge
Room 116

ROBERT J. TORNATTA, Judge
Room 225

RENÉE ALLEN FERGUSON, Magistrate
Room 129 Admin Bldg

RICHARD G. D'AMOUR, Magistrate
Room 126H

ALLEN R. HAMILTON, Magistrate
Room 126F

JILL R. MARCRUM, Magistrate
Room 126E

TERRELL R. MAURER, Magistrate
Room 126G

KELLY L. WARD, Court Administrator
Room 114

NOTICE

Please be advised the Vanderburgh Circuit and Superior Courts has proposed a new rule adding sections (G) and (H) to LR82-SC00-S1.05 regarding the use of rent and damage forms and subpoenaing non-parties at initial hearing. Copies of the proposed rules are available in the William H. Miller Law Library, Room 207 Courts Building, Civic Center Complex or you can view the proposed rules online at <http://www.in.gov/judiciary/rules/local/> or on the Superior Court page at <http://www.vanderburghgov.org>.

Written comments regarding said rule changes shall be directed to Kelly Ward, Court Administrator, Courts Building Room 114, Civic Center Complex, 825 Sycamore Street, Evansville, IN 47708. Comments will be received until November 7, 2008.

Pursuant to the Indiana Supreme Court Schedule and Format for Adoption of Local Court Rules, the Court shall review and study the comments received and make changes to the proposed rules as deemed advisable. Thereafter, the Court shall adopt the final local rules on November 7, 2008 to be effective said day.

LR82-SC00-S1.05

Superior Court Small Claims

All Small Claims matters are assigned to Division Six wherein the following Rules will apply:

(A) Service. On first appearance the Court will not allow service of process to be sent to the defendant's employer. On Proceeding Supplemental the Court will consider proper service for the purpose of obtaining an order of garnishment when service is good upon the employer, even though service may not be good upon the defendant. When the employer refuses service, it can be considered sufficient service for the purpose of an order of garnishment only. Service may be obtained by a process server if an affidavit of service is filed.

(B) Attorney Fees. Attorney's fees are awarded solely for the principal amount of the debt.

(C) Claim for Insufficient Funds. Upon filing of a claim for insufficient funds on bad checks where multiple statutory remedies are available, the claimant should elect which remedy is being requested and list the same on the statement of claim.

(D) Proceedings Supplemental - Judgment Entry. Parties must wait seven (7) days after obtaining a judgment before filing a Proceedings Supplemental, and the Judgment Entry must be filed with the Court prior to the Proceedings Supplemental being filed.

(E) Proceedings Supplemental - Hearings. Proceedings Supplemental hearings shall not be continued for progress after an order of garnishment or a personal order of garnishment has been obtained. To proceed on an information for contempt, a Proceedings Supplemental must have been filed and an order of garnishment or personal order of garnishment obtained.

(F) All Cases To Have Future Date. No cases will be continued without

date.

(G) Claims for Rent and Damages. All claims for rent and damages on leased property must be documented by a back rent and damages form available in the Small Claims Office, Room 223-1. This includes "judgments on proof" taken after the tenant has vacated the property, or claims for rent & damages sought on an initial appearance on a statement of claim.

(H) Non-Parties. Non-parties may be subpoenaed for initial hearings only upon leave of court.